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EXAMINER	
TERMANINI, SAMIR	
ART UNIT	PAPER NUMBER
2178	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/627,328	RICHMOND ET AL.	
	Examiner	Art Unit	
	Samir Termanini	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/3/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: Application filed on 7/25/2003; and IDS filed on 6/3/2004.

2. Claims 1-44 are pending in this case. Claims 1,15, 16, 30, 31, 41-44 are in independent form.

INFORMATION DISCLOSURE STATEMENT

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

By way of example, pp. 4 of Applicant's specification references at least six (6) documents covering features explicitly recited in the claims.

CLAIM REJECTIONS - 35 USC §112

4. The following is a quotation of the second paragraph of 35 U.S.C. §112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 29** is rejected under 35 U.S.C. §112, second paragraph because it provides for the use of "The method of claim 16," however, it does not set forth any steps involved in the method/process. Therefore, it is unclear what method/process applicant is intending to encompass. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. §112, second paragraph. *Holdings v. Amazon.com, Inc.*, 430 F.2d 1377, 1384,77 USPQ2d 1140, 1145 (Fed. Cir. 2005); *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990).

CLAIM REJECTIONS - 35 USC §101

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §101 that form the basis for the rejections under this section made in this Office action:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claim 29** is rejected under 35 U.S.C. §101 because the claim the claim is directed to neither a "process" nor a "machine," but rather attempts to embrace or overlap two different statutory classes of invention set forth in 35 U.S.C. §101, which is drafted so as to set forth the statutory classes of invention in the alternative only.

In the interest of advancing prosecution claim 29 is being examined as if its preamble instead read: "The system of claim 16...."

8. **Claims 16-28, 30, and 42-43** are rejected under 35 U.S.C. §101. Although the word "system" appears in the preamble, the claims actually appear to be directed to software that is not embodied on a computer-readable medium. Accordingly, the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. §101. They are clearly not a series of steps or acts, to be a process, nor are they a combination of chemical compounds to be a composition of matter.

9. **Claims 16-28, 30, and 42-43** are rejected under 35 U.S.C. §101 as being directed to software claimed as computer listings *per se*, i.e., the descriptions or expressions of the software. Applicant's specification is clear that the 'System' and its 'components' may consist entirely of software, notwithstanding the enumeration of four specific all-software implementations:

> "System 1200, and components thereof, may be implemented using software (e.g., C, C#, C++, Java, or a combination thereof)..." (para. [0159] of Applicant's disclosure).

Accordingly, software that is not embodied on a computer-readable medium fails to define any structural and functional interrelationships between the software other elements of a computer that permit the computer's functionality to be realized. Therefore, claims 16-28, 30, and 42-43, being directed toward computer listings *per se*, fail to fall within a statutory category.

CLAIM REJECTIONS - 35 U.S.C. §102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 1-44** are rejected under 35 U.S.C. §102(e) as being anticipated by *Faulkner et al.* (U.S. Pre-grant Pub. 2003/0208480 A1).

As to independent **claim 1**, *Faulkner et al.* anticipate a method of enabling a user to edit a table defining a view ("device definition file (DDF) 104" para. [0019]) of a network object database ("The system may then use the DDF information derived from or along with the corresponding MIBs to display the monitoring information to the user. " para. [0033]) including a plurality of network object types, by providing a user interface that enables the user to specify one or more of the plurality of network object types ("provide an interface for the definition" para. [0112]); and in response to the user specifying the one or more network object types, editing at least one column of the table (*See* column, Fig. 7) to represent at least one of the one or more specified network object types ("These managed objects might contain hardware inventory data, configuration parameters, and performance statistics that directly relate to the current operation of the device. These objects are arranged in what is known as a management information base (MIB). Each managed object has an object identifier..." para. [0003]).

As to dependent **claim 2**, *Faulkner et al.* further disclose the network object database including a first group of network object types (e.g. " is the type of value...<rawValueOid>," para. [0046]) and a second group of network object types ("optional OID specifiying the type of data contained in the raw value OID" para. [0047]), wherein the at least one of the network object types belongs to the first group, wherein act includes providing the user interface to enable the user to specify a second object type belonging to the second group (interface, Fig. 7), and the method further comprises: in response to the user specifying the second object type, editing a second column (*See* column, Fig. 7) of the table to represent the second object type ("The descriptive information may take on any data type such as integer or string, as well as an enumerated data type. Additional descriptive identification strings can be prepended and/or appended to the description of the object contained in the MIB, if any." para. [0040]; *See also* Fig. 7). Additionally:

> "<sensorDataType> is the type of value or data contained in the <rawValueOid>, including `DisplayString`, `Integer`, `am` (Amperes), `dc` (Degrees Celsius), `df` (Degrees Fahrenheit), `fm` (Feet/Minute), `ho` (Hours), `hz`, (Hertz), `mi` (Minutes), `mm`, Meters/Minute), `ot` (Other), `pe` (Percent), `rh` (Percent Relative Humidity), `rp` (Revolutions per Minute, or RPMs), `se` (Seconds), `sp` (Special Enumerated Type), `t1`, (time in HH:MM:SS:MS format), `t2` (time in HH:MM:SS format), `t3` (time in HH:MM format), `ti` (Time Ticks), `un` (Unknown), `va` (Volts AC), `vd` (Volts DC), `vo` (Volts), `wa` (Watts), among others. Additional types can be defined using the #define statement. " (para. [0069]).

As to dependent **claim 3**, *Faulkner et al.* further disclose providing the user interface to enable the user to specify the at least one column (*See* Fig. 7).

As to dependent **claim 4**, *Faulkner et al.* further disclose that the network object database is a Management Information Base ("In an additional embodiment, the disclosure is directed to a device definition file. The device definition file includes query instructions for accessing a management information base..." para. [0008]).

As to dependent **claim 5**, *Faulkner et al.* further disclose determining whether the first network object type is an indexed network object type ("...the agent will return a list of numeric indices. These indices may then be appended to the original object and iterated through and applied to each following static entry in the table until a new entry is found in the device definition file, starting a new separate query." para. [0061]); if the first network object type is an indexed network object type, determining an indexing variable for the first network object type ("static queries to an index based table. Tabular MIB data is typically found in vendors' MIBS. The table query may be supplied with an object that when queried, the agent will return a list of numeric indices." para. [0061]); and determining whether the indexing variable determined for the first network object type is compatible with an indexing variable being used for the table ("matching the index in the individual tables with the list of indices returned by the agent when the index object was queried." para. [0061]), wherein, act includes editing the at least one column based at least in part on results of act ("Each value found in this column is enumerated through and used as an index for the other OID fields within the table line (and its continuation lines)." para. [0068])(emphasis added).

As to dependent **claim 6**, *Faulkner et al.* further disclose determining that the indexing variable of the first network object type is not compatible with the indexing variable being used for the table, and preventing an editing of a column to represent the first network object type based on the results ("In one exemplary embodiment, the data will not be displayed if the agent does not return a value." para. [0091]).

As to dependent **claim 7**, *Faulkner et al.* further disclose providing a compatibility table, the compatibility table including one or more entries, each entry corresponding to an indexing variable ("The table query may be supplied with an object that when queried, the agent will return a list of numeric indices." para. [0061]) and storing a compatibility value mapped to the indexing variable corresponding to the entry ("noQuery type may be used to publish additional data to the user interface that is desirable to be shown with the data being monitored" para. [0091]), wherein accessing an entry of the compatibility table ("A table query instruction may include a reference to a wildcard or MIB branch starting point. The table query may also include a reference to a correlated description OID starting point." para. [0103]) corresponding to the indexing variable of the first network object type and retrieving the compatibility value stored therein ("Using the OIDs" para. [0103]), accessing an entry of the compatibility table corresponding to the indexing variable being used by the table ("A table query instruction may include a reference to a wildcard or MIB branch starting point. The table query may also include a reference to a correlated description OID starting point. " para. [0103]) retrieving the compatibility value stored therein ("correlated with other OIDs indicating description data, as shown at step 410" para. [0103]), and comparing the retrieved compatibility values to determine whether the compatibility values are equal ("...validates that the agent is one that the network system software knows this data should be displayed for, as long as a token object exists in its MIB. A description of the data being displayed may be specified as well in the device definition file. " para. [0091]).

As to dependent **claim 8**, *Faulkner et al.* further disclose for one column, generating request information for retrieving objects of the network object type (*See* Fig. 7); and generating a document that includes a definition of the table and the generated request information for the at least one column ("...the data access interface 214 may provide an HTML, XML, or plain text file containing requested data associated with the device definition file 210 and devices on the network." para. [0030]; *See also* Fig. 3)(emphasis added).

As to dependent **claims 9 and 10**, *Faulkner et al.* further disclose providing a various types of documents to one or more network devices on a network ("The data access interface 214 may take various forms and communicate using various protocols such as HTTP, SMTP, FTP, and text messaging formats. For example, the data access interface 214 may provide an HTML, XML, or plain text file containing requested data associated with the device definition file 210 and devices on the network." para. [0030]), including network devices using electronic mail ("The network management system 202 may e-mail notifications and data..." para. [0030]).

As to dependent **claim 11**, *Faulkner et al.* further disclose configuring the request information in accordance with Simple Network Management Protocol ("The network management system 202 may also include an SNMP-enabled interface 212. The SNMP-enabled interface 212 may permit communication between the network management system 202 and devices on the network." para. [0029]).

As to dependent **claims 12 and 13**, *Faulkner et al.* further disclose formatting the document in accordance with a markup language in accordance with XML ("...HTML, XML...file..." para. [0030]).

As to dependent **claim 14**, *Faulkner et al.* further disclose providing a graphical user interface to enable the user to select from among the plurality of network object types (*See* Fig 7.; *See also* "The raw value of the object may take on several different types" para. [0038]).

As to independent **claim 15**, this claim differs from claim 1 only in that it is directed to a product defined by same the process of claim 1. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 1.

As to dependent **claims 16-29**, these claims are substantially identical to claim 1-14, respectively. Accordingly, these claims are rejected for the same reasons set forth in the treatment of claims 1-14.

As to independent **claim 30**, this claim is substantially identical to claim 1, where the means for enabling the user to specify was addressed by the specific embodiment recited in claim 1. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 1.

As to independent **claim 31**, *Faulkner et al.* disclose a method of editing a portable view definition of a network object database including a plurality of network object types ("...allows the user to directly manage...network devices" para. [0033]), the method comprising acts of: editing a column of a table to represent one of the plurality of network object types (*See* Fig. 7); generating request information for retrieving objects of the one network object type ("The device definition file includes query instructions associated with a network device." para. [0006]); and generating a document (e.g. "...file containing requested data associated with the device definition file 210..." para. [0030]) that includes a definition of the table (*See* Fig. 7), the table definition including the generated request information and a definition of the column ("<indexOid> is the base SNMP OID of the index column for the table. Each value found in this column is enumerated through and used as an index for the other OID fields within the table line (and its continuation lines)." para. [0068]).

As to dependent **claim 32**, *Faulkner et al.* further disclose providing a user interface to the user to enable the user to specify the one network object type ("...graphical user-interface that builds the device definition file interactively..." para. [0105]).

As to dependent **claim 33**, *Faulkner et al.* further disclose storing the document on a computer-readable medium ("...stored in nonvolatile memory..." para. [0024]).

As to dependent **claim 34**, *Faulkner et al.* further disclose providing the document to one or more network devices on a network ("...device definition files 210 may be provided for servers, routers, switches, and other SNMP-enabled networked equipment..." para. [0028]).

As to dependent **claim 35**, *Faulkner et al.* further disclose providing the document to at least one of the network devices using electronic mail ("The network management system 202 may e-mail notifications and data..." para. [0030]).

As to dependent **claim 36**, *Faulkner et al.* further disclose that the database is a Management Information Base ("In an additional embodiment, the disclosure is directed to a device definition file. The device definition file includes query instructions for accessing a management information base..." para. [0008]).

As to dependent **claims 37 and 38**, *Faulkner et al.* further disclose configuring the request information in accordance with Simple Network Management Protocol ("The network management system 202 may also include an SNMP-enabled interface 212. The SNMP-enabled interface 212 may permit communication between the network management system 202 and devices on the network." para. [0029]).

As to dependent **claims 39 and 40**, *Faulkner et al.* further disclose formatting the document in accordance with a markup language in accordance with XML ("...HTML, XML...file..." para. [0030])..

As to independent **claim 41**, this claim differs from claim 1 only in that it is directed to a product defined by same the process of claim 31. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 31.

As to independent **claim 42**, this claim is substantially identical to claim 31 and is rejected for the same reasons set forth in the treatment of claim 1.

As to independent **claim 43**, this claim is substantially identical to claim 31, where the specific embodiment for the means limitation was also addressed in claim 31. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 1.

As to independent **claim 44**, *Faulkner et al.* disclose a computer-readable medium having stored thereon a plurality of computer-readable signals ("...stored in nonvolatile memory..." para. [0024]) defining a document comprising: a definition of a table representing a view of a network object database including a plurality of network object types ("...requested data associated with the device definition file 210 and devices on the network..." para. [0030]), the table definition including a column representing one of the network object types of the network object database (*See* Fig. 7) and request information for retrieving objects of the network object type represented by the column ("The device definition file includes query instructions for accessing a management information base..." para. [0008]).

CONCLUSION

12. Although not relied upon, the following prior art is made of record because it considered pertinent to Applicant's disclosure:

[1] *Poulin* (US 20020174107 A1) for teaching a method of performing transactions over an electronic network by defining data entries for objects represented in the network the data entries including metadata represented as a web-readable document for an object and the entries including a keyword that represents network information or user process information related to the object and associating an object file with an entry that corresponds to the object being represented.

[2] *Hasan et al.* (US 20030028624 A1) for teaching a virtual management system for a network facility having a plurality of components which can be organized as objects for presentation in a virtualized environment.

[3] *Gieseke et al.* (US 20030074430 A1) for teaching a provisioning server object model and method that manages configuration and tasking of devices, elements, or links of networks and utilizes an object oriented design and object cache that allows the provisioning server to generate configuration responses for network elements, command lists, network state, and import and export configuration information.

[4] *Low* (US 20030101251 A1) for teaching a system and method providing a flexible and customizable element management system (EMS) through the use of Universal Modeling Language (UML) models for each of the elements of the EMS.

[5] *Hasan et al.* (US 20030110262 A1) for teaching a network service administration system including service and address objects with a configuration application for a multifunction appliance running on a client computer coupled to the appliance via a network and allowing subscribers to configure at least a subset of application content services provided by the appliance with a rule set based on changes to configurations of any other of the application content services.

[6] *Brinkmoeller et al.* (US 20030131014 A1) for teaching processing data objects having data items by classifying each data object and storing write-enabled data objects in a database, and archiving read-only data objects. The archiving includes converting the data objects to markup objects, wherein each markup object represents the data items of the corresponding data object, concatenating the markup objects to a single data structure that is byte addressable, and indexing object identification for each markup object to addresses of the data structure.

[7] *Hubbard et al.* (US 20040088432 A1) for teaching a system and method for managing configuration attribute data associated with storage devices using Extensible Markup Language (XML).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir Termanini whose telephone number is (571) 270-1047. The Examiner can normally be reached on 9AM-4PM, Mon.-Fri. (excluding alternating Fridays).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, *See* http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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